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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,911	09/13/2001	Gerhard Bock	112740-226	2716
29177	7590	11/17/2004		
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			EXAMINER WANG, ALBERT C	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/857,911	Applicant(s) BOCK ET AL.	
	Examiner Albert Wang	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the amendment filed August 30, 2004.
2. Previously presented claims 14-25 are pending.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The rejections are respectfully maintained and reproduced infra for applicant's convenience.
5. Claims 14 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakazi, U.S. Patent No. 6,522,319, in view of Burgan et al., U.S. Patent No. 5,805,121 ("Burgan").

As per claim 14, Yamakazi teaches a mobile communications terminal (fig. 24, information equipment 220; col. 40, lines 32-47), comprising:

a display unit for visual presentation of both communications information relating to a communications connection and miscellaneous user information (display unit 221), the display unit being divided into a first partial area and a second partial area (region apart from display region 221D, and display region 221D), wherein the first partial area is provided exclusively for the presentation of the communications information and the second partial area is provided for the presentation of the miscellaneous user information (communications and miscellaneous information shown in respective regions); and

a display controller to control the presentation of both the communications information and the miscellaneous user information being presented on the display unit at least in the absence of communications (fig. 1, controller 5; col. 40, lines 32-47, phone-call wait time), wherein the

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display controller, in the absence of communications, activates and cyclically refreshes with picture information only the second partial area of the display unit for the presentation of the miscellaneous user information and deactivates the first partial area of the display unit.(fig. 1, display and non-display regions are respectively activated and deactivated; fig. 3, timing charts; fig. 24, picture information).

However, while Yamakazi teaches deactivating the first partial area in the absence of communications, Yamakazi does not expressly teach the details of presenting, on the first partial area, communications information that was transmitted to the mobile communications terminal. Burgan teaches presenting such information on a partial area of a display (col. 1, line 62 – col. 2, line 3, displaying messages that are received). At the time of invention, it would have been obvious to one of ordinary skill in the art to apply Burgan's presenting of transmitted communications information to Yamakazi's mobile communications terminal. A motivation for doing so would have been to enhance the usability of the mobile communications terminal.

As per claim 16, Yamakazi teaches the display unit as a single-part, alpha numeric active-matrix liquid crystal color display (fig. 1, single LCD panel; Fig, 24, alpha numeric characters; col. 16, lines 9-14, color; Claim 5, active-matrix).

As per claim 17, Yamakazi teaches a surface area of the second partial area is smaller than a surface of the first partial area of the display unit (fig. 1).

As per claim 18, Yamakazi teaches the display controller activates and cyclically refreshes only pixel lines of the second partial area of the display unit (col.16, lines 63 – col.17, line 4).

As per claim 19, Yamakazi teaches a counter connected to the display controller for counting the pixel lines refreshed by the display controller, wherein the display controller, suppresses the refresh of a pixel line if the counter level of the counter indicates a pixel line belonging to the first partial area of the display unit (fig. 5, counter 15; col.22, lines 1-32).

As per claim 20, Yamakazi teaches the display controller includes the counter (fig. 1, controller 5 outputs LP signal; fig. 5, AND gate 16 outputs LP signal).

As per claim 21, Yamakazi teaches on reaching a counter level which indicates a pixel line belonging to the first partial area of the display unit, the counter disables the refresh of the pixel line by the display controller (col.22, lines 1-32).

As per claim 22, Yamakazi teaches a counter level of the counter is reset with each refresh cycle of the display controller (col.22, lines 1-32)

As per claim 23, Yamakazi teaches the display controller jointly refreshes both the first partial area and the second partial area of the display unit by supplying picture information (col.20, line 65 – col.21, line 11).

As per claim 24, Yamakazi teaches the second partial area of the display unit provided for the presentation of the miscellaneous user information is disposed within a circumferential area of the display unit (fig. 1).

As per claim 25, Yamakazi teaches the second partial area of the display unit provided for the presentation for the miscellaneous user information is disposed on one of the upper and lower edges of the display unit (col.22, lines 45-59).

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6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakazi/Burgan as applied to claim 14 above, and further in view of Duwaer, U.S. Patent No. 5,960,366.

As per claim 15, although Yamakazi/Burgan display unit is designed for the visual presentation of data information (fig. 24), Yamakazi/Burgan does not expressly teach such information as multimedia information. Duwaer teaches combining both voice and data information for multimedia communication (col. 4, lines 15-20). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Duwaer's multimedia communication to Yamakazi/Burgan's mobile communications terminal. A motivation for doing so would have been to provide enhanced communications to the user.

Response to Arguments

7. Applicant's arguments filed August 30, 2004 have been fully considered but they are not persuasive.

In response to the applicant's argument that Yamakazi teaches "the displayed portion is not refreshed cyclically (col. 39, lines 14-28)", the cited passage refers to a transition period (T period) between a full-screen display state and a partial screen display state for the apparatus of fig. 15 (col. 14, lines 23-31; col. 38, line 62 – col. 39, line 3), and does not refer to a period during a partial display mode. Contrary to the applicant's assertion, Yamakazi does teach cyclically refreshing a displayed portion. Yamakazi teaches an apparatus with a display region of 40 rows and a non-display region of 160 rows (fig. 1). Fig. 3 shows the display region being cyclically refreshed (waveforms Y1-Y40) while the non-display region is not (waveforms Y41-Y200).

In response to the applicant's argument that Burgan does not teach a "partial area", applicant's arguments are directed against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the applicant argues in particular that Burgan teaches "controller operation that functions only when a user designates the apparatus as being under an 'active' or 'standby' mode (col. 6, lines 38-58; col. 7, lines 14-17, 49-51)." Burgan does not expressly teach a user designating modes.

Lastly, in response to the applicant's argument that Duwaer teaches is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, "a small LCD display screen, where issues of high power consumption do not occur" does not preclude issues of power conservation in portable electronic devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 571-272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

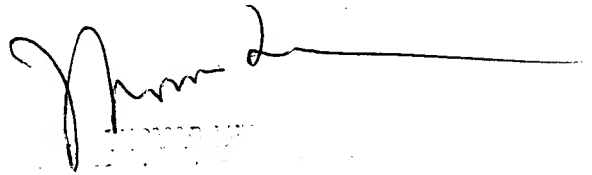
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

aw

November 3, 2004

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